



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,892	10/03/2003	Frank David Gallo	TUC920010084US1	2328

7590

11/09/2005

IBM Corporation  
Intellectual Property Law  
(90A/9032-1)  
9000 South Rita Road  
Tucson, AZ 85744

EXAMINER

SCHLIE, PAUL W

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,892	<b>Applicant(s)</b> GALLO, FRANK DAVID	
	<b>Examiner</b> Paul W. Schlie	<b>Art Unit</b> 2186	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-24 have been examined.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korngiebel et al. (5,416,914) in further in view of Gallo (US App. 10/678,892).

As per claims 1-4, 9-12, 17-20, Korngiebel teaches an automated data storage library system which may be composed of multiple storage frames/modules, comprising multiple storage shelves/racks, comprising storage cells/locations for storage media (see figure 1-11 column 2 lines 18-31), and accessed as required as a sub-component of a logical library comprised of an arbitrary set of arbitrarily located potentially dissimilar storage media (see figures 13-14, column 3 lines 36-48), thereby implying that their logical addressing and/or association with an arbitrary logical library need not be restricted as a function of their physical location; but does not explicitly teach that such media logical shelf/location addresses may be allocated sequentially within the group of similar media types. However Gallo teaches within the "Background of the Invention" section that it is understood as prior art that "Storage shelf addresses are typically assigned in a sequential order as storage shelves are encountered within each frame" (see page 2 lines 15-16). Therefore it is considered obvious to one of ordinary skill in

the art to combine the two, for the benefit of assigning unique sequential logical address to each storage shelf (and presumably media cells/locations) as may be desired without concern for which frame/module they may physically reside.

As per claims 5, 13 and 21, being correspondingly dependant on claim 1, 9, or 17; Korngiebel further teaches that the aforementioned movable storage media may correspondingly labeled with optical bar-code labels such that they may be identified and cataloged with the aid of an automated robotic accessor/armature equipped with a corresponding sensor such that they may be associated with a physical location (see figures 11-12, column 3 lines 1-12), but does not explicitly teach that a media storage frame may be itself considered to be a mobile storage container and correspondingly so labeled and identified. However within such a storage system, it is considered as being obvious to one of ordinary skill in the art to correspondingly label any container which may be both mobile and contain storage media as taught by Korngiebel, for the benefit of both its identification, and subsequent utilization.

As per claims 6-8, 14-16 and 22-24, being correspondingly dependant on claim 1, 9 or 17, Korngiebel further teaches that the aforementioned storage media may be configured into logical libraries where each may be composed of one or more storage frames configured for the same media type; where a directory identifying the type of storage media stored within a frame/module and correspondingly their addressed locations within a storage frame/module's shelf/rack (see figures 13-14, column 3 lines 36-48); but does not explicitly teach the prior determination of addressable storage media locations. However as their determination is obviously necessary as a

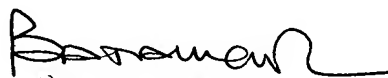
Art Unit: 2186

prerequisite to their utilization, it is considered obvious to one of ordinary skill in the art to first determine a storage system's location's addressable storage locations prior to associating a physical storage media with them.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul W. Schlie whose telephone number is 571-272-6765. The examiner can normally be reached on Mon-Thu 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 517-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PIERRE BATAILLE**  
**PRIMARY EXAMINER**